

EXHIBIT 11

1 IN THE UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF FLORIDA

3 TAMPA DIVISION

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5
6 REBOTIX REPAIR, LLC,

7 Plaintiff,

8 vs.

Case No. 8:20-CV-02274

9 INTUITIVE SURGICAL, INC.,

10 Defendant.

11 _____/

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14
15 30(b)(6) REMOTE VIDEOTAPED DEPOSITION OF

16 BOB DESANTIS

17 THURSDAY, MAY 27, 2021

18
19
20
21 Stenographically Reported by:

22 ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR

23 California CSR No. 9830

24 Job No. 194224

1 media labeled No. 1 of the remote video-recorded
2 deposition of Mr. Bob DeSantis.

3 In the matter of Rebotix Repair LLC versus
4 Intuitive Surgical, Inc. In the United States
5 District Court for the Middle District of Florida,
6 Tampa Division.

7 The remote video deposition today is being
8 held on May 27, 2021, and the time on the video
9 monitor is 6:36 a.m.

10 My name is Kevin Marth. I'm the legal
11 videographer today in association with TSG Reporting,
12 Inc.

13 Our court reporter today is Ms. Andrea
14 Ignacio, also in association with TSG.

15 At this time, would counsel please state your
16 appearances for the record.

17 MR. ERWIG: On behalf of plaintiff, Alexander
18 Erwig of Dovel & Luner.

19 MR. RUBY: My name is Allen Ruby. I
20 represent Intuitive Surgical.

21 MR. DOW: Taylor Dow on behalf of Intuitive
22 Surgical.

23 THE VIDEOGRAPHER: At this time, would the
24 court reporter please swear in the witness, and we may
25 proceed.

1 BOB DESANTIS,
2 having been remotely sworn as a witness
3 by the certified shorthand Reporter,
4 testified as follows:
5

6 EXAMINATION

7 BY MR. ERWIG:

8 Q Good morning, Mr. DeSantis.

9 A Good morning, Mr. Erwig.

10 Q Could you please state your full name for the
11 record.

12 A Yes. It's Robert James DeSantis.

13 Q What is your position at Intuitive Surgical?

14 A Executive vice president and chief product
15 officer.

16 Q And how long have you been in that role?

17 A Since January.

18 Q And what were your prior positions at
19 Intuitive Surgical?

20 A I was -- prior to that, I was senior vice
21 president, general manager for our instruments and
22 accessories business unit.

23 Q How long were you in that position?

24 A For about four years.

25 Q How long have you been with --

1 MR. RUBY: Excuse me, Mr. Erwig. I don't
2 like to interrupt. It appears my video is frozen. My
3 image and the image of the witness are frozen and have
4 been for a little bit.

5 Can somebody attend to that, please.

6 MR. ERWIG: Let's go off the record.

7 THE VIDEOGRAPHER: Sorry. We are going off
8 the record at 6:38 a.m.

9 (Recess taken.)

10 THE VIDEOGRAPHER: We are back on the record
11 at 6:40 a.m.

12 MR. ERWIG: Q. Mr. DeSantis, how long have
13 you worked at Intuitive?

14 A Since January 1st, 2013, so a little bit over
15 eight years.

16 Q Can you tell me a little bit about your role
17 in the business decisions made at Intuitive Surgical.

18 A So today, I'm responsible for our product
19 offering, which means that my groups -- so I manage
20 groups, and they are responsible for identifying
21 opportunities, developing solutions to those
22 opportunities, producing those solutions, and
23 manufacturing, distributing those to the field.

24 Q In your prior positions, can you describe to
25 me a little bit the responsibilities you had in those

1 A Yes.

2 Q And that was an intentional design decision;
3 right?

4 A Absolutely.

5 Q Now, Intuitive certainly could have designed
6 the system to have compatibility with instruments that
7 are not manufactured by Intuitive; correct?

8 A We could have, yes.

9 Q And currently, though, the da Vinci Si and
10 the da Vinci Xi, they are not compatible with
11 instruments that Intuitive does not manufacture;
12 right?

13 MR. RUBY: Objection. That's been asked and
14 answered.

15 The witness may answer again.

16 THE WITNESS: The only instruments that are
17 compatible with a system that we don't manufacture are
18 the instruments that are in question in this case.

19 MR. ERWIG: Well, sir, we'll -- we'll get to
20 that in more detail later.

21 Q But my question right now is just about the
22 instruments that -- that hospitals buy. Those are
23 instruments that are manufactured by Intuitive; right?

24 A Same answer. Yes, except for the instruments
25 in question in this case.

1 Q Are you aware of any other manufacturer in
2 the United States that sells EndoWrists that are
3 compatible with the da Vinci Surgical System?

4 A No.

5 Q Are you aware of any other manufacturers of
6 instruments or tools that can be attached to the
7 da Vinci Surgical System for use in minimally invasive
8 robotic surgery?

9 A Yes.

10 Q What system -- withdrawn.
11 What instruments?

12 A So the question was instruments or
13 attachments?

14 Q Let me -- let me rephrase.

15 Are you aware of any other manufacturer in
16 the United States that sells instruments that can be
17 attached to the da Vinci robot and used for minimally
18 invasive surgery?

19 A No.

20 Q Now, if another manufacturer wanted to design
21 a new type of instrument, they wouldn't be able to do
22 that and have compatibility with the da Vinci system;
23 right?

24 A Well, it's hard to ignore the fact that it's
25 been done by the instruments at question in this case.

1 Q Well, my question is a little bit different.

2 It's, you know, a company like, let's say,
3 Johnson & Johnson that wanted to manufacture
4 instruments that worked with the da Vinci robot, for
5 example, they wouldn't be able to design an instrument
6 from scratch that just cleanly interfaces with the
7 da Vinci robot; right?

8 A So cleanly, no.

9 Q That's because there are certain software
10 limitations on the da Vinci; right?

11 A Yes.

12 Q There's also IP issues surrounding the
13 development of new instruments for the da Vinci robot;
14 right?

15 A Can you clarify the question.

16 Q Well, sure. Intuitive has a number of
17 patents on the da Vinci robot; right?

18 A Yes.

19 Q It has patents on parts of the EndoWrist
20 design as well; right?

21 A Yes.

22 Q And another manufacturer that wanted to
23 develop an instrument that was compatible with the
24 da Vinci, they might have some trouble doing that
25 because of the intellectual property protections;

1 right?

2 A It would depend on how they developed them.
3 If they infringed on patents that we have, then that
4 would be a problem, yes.

5 Q Another challenge would be the fact that the
6 da Vinci software is designed to only function with
7 Intuitive-manufactured devices; right?

8 A That is correct.

9 Q Now, Mr. DeSantis, it's true that no true
10 robotic competitive threat to the da Vinci surgical
11 robot has emerged in the United States in the past
12 four years; right?

13 MR. RUBY: In the past four years or
14 40 years?

15 I didn't --

16 MR. ERWIG: Four years.

17 MR. RUBY: Four. Thank you.

18 THE WITNESS: We -- we are aware of
19 significant entities, companies that are -- are aiming
20 at the same technology and type of offering as we
21 have.

22 MR. ERWIG: Q. You're aware of companies
23 that are -- that are aiming for the same type of
24 technology; right?

25 A I -- I would say aiming for the same type of

1 capability.

2 Q So far, there has not been a surgical system
3 like the da Vinci minimally invasive surgical robot
4 that has received FDA clearance in the United States;
5 right?

6 A No. I'm sorry. False. There -- incorrect.
7 I'm trying to be clear on my answer. Sorry.

8 Q No problem. I appreciate it.

9 MR. ERWIG: I'm going to screen share our
10 next exhibit. This will be from Folder 1. This will
11 be:

12 "7'6'17 DeSantis to Broгна."

13 Screen share this with you.

14 (Document remotely marked Exhibit 4
15 for identification.)

16 MR. ERWIG: Q. Mr. DeSantis, do you
17 recognize this e-mail?

18 A Can we scroll down to the bottom of it.

19 Q Of course.

20 A And can we scroll back to the top, please.
21 I recognize the document, yes.

22 Q How is it that you recognize it?

23 A It's an exchange between myself and my former
24 boss.

25 Q Who is Sal Broгна?

1 A Sal was my former boss here at Intuitive.

2 Q And you see the top e-mail is an e-mail from
3 yourself to Sal Brogna, sent on July 6, 2017; right?

4 A Yes.

5 Q I want to just ask you about some questions
6 in this e-mail.

7 You write:

8 "Sal, My thoughts. Your analysis is grounded
9 on procedure pricing vs competitive lap. While this
10 is a consideration, I'm not sure it's the primary
11 one."

12 Do you see that?

13 A Yes.

14 Q You go on to say:

15 "I think the bigger considerations are; a" --
16 underlined -- "true robotic competitive threat
17 (Medtronic, JNJ or even Stryker Sustainability)."

18 Do you see that?

19 A Yes.

20 Q What did you mean when you said "a true
21 robotic competitive threat"?

22 A So my thought here was that robotics is
23 differentiated from lap and its value proposition. So
24 therefore, when we think about our place in the
25 market, we should be thinking about our robotic

1 offering versus other robotic offerings rather than
2 lap.

3 Q You mentioned:

4 "Medtronic, JNJ or even Stryker
5 Sustainability."

6 Can you tell me a little bit more about those
7 companies -- well, withdrawn.

8 Let me ask a better question.

9 Has Medtronic brought an FDA-approved
10 competitive robot to market as of May 27, 2021?

11 MR. RUBY: I object to the form of the
12 question, and in particular, your use of the phrase
13 "FDA-approved."

14 You may answer the question if you can.

15 THE WITNESS: I'm sorry. I need you to
16 repeat the question.

17 MR. ERWIG: Q. Medtronic is one of the
18 companies you identified that might have a true
19 robotic competitive threat; right?

20 A Yes.

21 Q "JNJ," is that Johnson & Johnson?

22 A Yes.

23 Q You identify Johnson & Johnson as a company
24 that might have a true robotic competitive threat as
25 well; right?

1 A Yes.

2 Q Finally, you mention Stryker Sustainability.

3 Is that a company that you thought might
4 have -- withdrawn.

5 Is Stryker Sustainability a company that you
6 thought might pose a true robotic competitive threat
7 to the da Vinci robot?

8 A Yes.

9 Q Has Medtronic brought a robot to the U.S.
10 market that's approved for use in minimally invasive
11 surgeries?

12 MR. RUBY: I'll object to the form of the
13 question, particularly the phrasing "approved for
14 use."

15 But you may answer the question.

16 THE WITNESS: To be accurate, I believe they
17 have orthopedic robots that are approved for use in
18 the U.S.

19 MR. ERWIG: Q. Now, an orthopedic robot,
20 that's not a soft tissue robot; right?

21 A I'd agree with that.

22 Q The da Vinci robot doesn't do orthopedic
23 surgery; right?

24 A Correct. Not today.

25 Q And the -- the Medtronic system, that -- that

1 that?

2 A The company -- I'll kind of go back to what I
3 said earlier. You know, the company believes in
4 putting patients first, providing technologies to
5 surgeons that will help them help patients. So that's
6 been our strategy, and that's been our mission.

7 In doing that, you know, we've spent a lot of
8 time and money and -- and effort and -- and developed
9 the soft tissue robot.

10 The fact that that is a barrier for others,
11 et cetera, is a -- kind of a side effect of what --
12 what our -- our effort has been and what our mission
13 has been.

14 Q There's some challenges that potential
15 competitors face when they're trying to -- to break
16 into that market of providing care to patients; right?

17 A Yes.

18 Q One challenge is that there is an already
19 large install base of da Vinci robots in hospitals
20 around the United States; is that right?

21 A Yes.

22 Q Another challenge is that surgeons have had a
23 great deal of training on the da Vinci Surgical
24 System; right?

25 A So we talked about in terms like a great deal

1 of training earlier. And I would agree that their
2 experience on the platform is an advantage to them and
3 something that a competitor would have to address.

4 Q There's also some intellectual property
5 protections that Intuitive has that might be a
6 challenge for another company to design around; right?

7 A Yes.

8 Q And another challenge for entry might be that
9 the EndoWrists, they only work with a -- withdrawn.

10 Another challenge might be that the da Vinci
11 robot only works with Intuitive manufactured
12 instruments; right?

13 A Other than the instruments in question in
14 this case, yes.

15 Q I'm going to go down to the last paragraph
16 with you -- well, withdrawn.

17 And so there -- there are strong barriers to
18 entry in the past 20 years to the area of soft tissue
19 robotic surgery; right?

20 MR. RUBY: Object to the form of the question
21 and inserting the word "strong" in this fashion.

22 But you may answer the question.

23 MR. ERWIG: Well, withdrawn.

24 Q The word "strong" appears in this sentence,
25 Mr. DeSantis. I just want to get a sense of your

1 level of agreement with it. So withdrawn.

2 There are strong barriers to entry to the
3 market for soft tissue robotic surgery; right?

4 A That's what's written here, and that's the
5 opinion of this author. Yes.

6 Q And you agree with that opinion; right?

7 A I agree with the -- I generally agree with
8 the statement, which is that you'd have to have a
9 compelling offering to enter this market, which
10 Intuitive did, and somebody else would have to do it
11 also.

12 Q And the specific statement here is that
13 Intuitive has built strong barriers to entry during
14 the 20 years it's been in the robotic surgery field;
15 right?

16 A That's what it says, yes.

17 Q And so Intuitive has a potentially 20-year
18 timeline of experience that it can draw on in the
19 field of soft tissue robotic surgery; right?

20 A We do.

21 Q And during that time, Intuitive has built
22 strong barriers to entry to that market for soft
23 tissue robotic surgery; right?

24 A So I'd go back to previous statements. You
25 know, we've built a platform that enables surgeons to

1 markets unfettered, et cetera.

2 Q Well, the -- you -- withdrawn.

3 You mentioned a few different elements.

4 How did you come to develop that
5 understanding about the meaning of monopoly position?

6 A I don't know. I -- I guess just living,
7 being in the industry.

8 (Cell phone ringing.)

9 MR. ERWIG: Q. When you were answering that
10 question, were you referencing your electronic notes?

11 A No.

12 Q If you wouldn't mind, at the next break,
13 would you provide a copy of the electronic notes into
14 the submitted exhibit folder or in another way provide
15 that to me.

16 MR. ERWIG: I'll make that request of -- of
17 counsel, and you can figure out whatever way you'd
18 like to -- to get those notes over to me.

19 MR. RUBY: Well, I hear you. And I need to
20 see them before anybody else does, see if there are
21 any privilege issues.

22 So when do you want me to do that?

23 MR. ERWIG: Well, I believe I'm entitled to
24 have access to the -- to the notes that Mr. DeSantis
25 is referencing at the actual deposition. I think I

1 have an absolute right to that.

2 And so I'm happy to do it at the next break.
3 We don't need to go off the record now. But I'd like
4 those before the day goes too much further.

5 MR. RUBY: And I don't propose to argue with
6 you about your view of when you're entitled to what.
7 I asked you a question, and you got around to
8 answering it.

9 So at the next break, I'll see if I can take
10 a look at them, and we'll see where that takes us;
11 okay?

12 THE WITNESS: And I was going to say, just
13 for the record, that's your guys' business.

14 I said I would let you know if I reference
15 the notes. I have not yet.

16 MR. ERWIG: Great. Thanks for letting me
17 know.

18 THE WITNESS: Yeah.

19 MR. ERWIG: Q. Now, in the period between
20 1999 and 2019, were there any viable alternatives to a
21 surgeon that wanted to perform a minimally invasive
22 soft tissue robotic surgery other than the da Vinci
23 surgical robot?

24 A No, I don't believe so.

25 MR. ERWIG: I'm going to stop screen sharing

1 this exhibit.

2 Q Now, when you -- withdrawn.

3 You read market reports in your position at
4 Intuitive; right?

5 A I do.

6 Q When you read market or analyst reports, you
7 develop an opinion about some of the things that are
8 written in those reports; right?

9 A I do.

10 Q And you generally communicate with people at
11 Intuitive about, you know, what you're -- what you're
12 reading in analyst reports as well; right?

13 A I have. Not a common occurrence for me.

14 MR. ERWIG: I'm going to screen share our
15 next exhibit. This will be:

16 "2'12'20 Rosa to Yiu and Others."

17 Yiu is Y-I-U.

18 (Document remotely marked Exhibit 9
19 for identification.)

20 MR. ERWIG: I'll screen share this exhibit.

21 Q Do you see this on the screen in front of
22 you, Mr. DeSantis?

23 A Yes.

24 Q Now, the first e-mail is an e-mail from Amit
25 Hazan to Calvin Darling and Philip Kim at Intuitive

1 A No, we have not.

2 Q Why not?

3 A We determined that the cost to produce
4 remanufactured instruments at the specs and quality
5 levels of a new instrument would be too close to the
6 cost of just manufacturing new instruments with all
7 new parts. So financially it didn't -- we weren't
8 motivated to develop and implement the program.

9 Q One of the initial objectives of Project
10 Dragon was to increase entry barriers for third-party
11 re-programmers; right?

12 A I missed part of the question. Sorry.

13 Q One of the objectives of Project Dragon was
14 to increase entry barriers for third-party
15 re-programming of EndoWrist; true?

16 A It was a -- it was a lower-level
17 consideration. You know, so we were looking at
18 primarily being able to offer reduced costs to the
19 customers. And then there were a couple of secondary
20 considerations. One of them was reducing waste into
21 the environment. And the other one was, you know,
22 protecting our brand and our quality from, you know,
23 third parties who are remanufacturing adulterating
24 instruments not to our specs.

25 Q Well, sir, how did you know a third party is

1 not refurbishing to Intuitive's specifications?

2 You haven't tested the instrument; right?

3 A So two different questions.

4 We have not done V&V testing on a third
5 party. But our -- our specifications and our
6 requirements are our intellectual property of the
7 company which we've not released. So I don't know how
8 a third party would be able to ensure and guarantee
9 that their quality system -- that they were developing
10 to our specs, that their quality system was sufficient
11 and on par with us, et cetera, et cetera.

12 That's really, you know, a lot of the
13 investment that we've put in the -- into the company
14 to develop those specific types of things.

15 Q Well, you certainly don't have -- withdrawn.

16 Intuitive has not performed any sort of
17 testing of third-party instruments that would --
18 withdrawn.

19 Intuitive has not performed any instruments
20 refurbished by Rebotix to determine whether or not
21 they perform to in Intuitive's specifications; right?

22 A We have not done V&V or life testing on their
23 instruments, no.

24 Q And in fact, Intuitive has done no testing of
25 any kind on Rebotix 's instruments to determine

1 whether they function safely with da Vinci robots;
2 true?

3 A For some reason your audio is glitching a
4 little bit. I missed the word right before robots.

5 Q Let me re-ask it. Withdrawn.

6 Intuitive has not done testing of any kind to
7 determine whether Rebotix's refurbished EndoWrists can
8 safely be used with the da Vinci robot in surgery;
9 true?

10 A True. We've not done V&V testing, life
11 testing on their instruments, no.

12 MR. ERWIG: I'm going Screen Share our next
13 exhibit. This will be "5'23'17 DeSantis to Goodson,
14 et al."

15 (Document remotely marked Exhibit 36
16 for identification.)

17 MR. ERWIG: This will be, I believe,
18 Exhibit 36.

19 Q You see this on the screen in front of you,
20 Mr. DeSantis?

21 A Yes.

22 Q Do you recognize this document?

23 A Let me take a look at it.

24 Q Sure.

25 A In one doesn't ring a bell off the bat. Can

1 I see the bottom of it, please. Okay.

2 Yeah. Sorry. I don't really remember this
3 exchange, but I can identify it.

4 Q Does this appear to be an e-mail sent from
5 yourself to Nicky Goodson, copying Patrick Flanagan,
6 Katie Scoville, and others?

7 A Yes.

8 Q The subject is "Instrument eX update for
9 Bob"; do you see that?

10 A Yes.

11 Q What is Instrument eX?

12 A It's the program we were just talking about.
13 The remanufacturing of -- of the Core instruments.

14 Q So --

15 A Sorry. EndoWrist instruments.

16 Q So Instrument eX, Project Dragon and the
17 refurbishing program, this would all be the same names
18 for the program that we have been discussing about
19 collecting EndoWrists from customers; right?

20 A Yes.

21 Q I'm going to open the attachment to this.
22 Well, withdrawn.

23 Do you see this an attachment labeled
24 "Instrument eX update for Bob.docx"?

25 A Yes.

1 Q I want to talk about there document itself.

2 The first heading is labeled "Marketing
3 Updates"; do you see that?

4 A Yes.

5 Q And there's a few subheadings. One is
6 labeled "User Needs"; do you see that?

7 A Yes.

8 Q Another is labeled "Company Objectives"; do
9 you see that?

10 A Yes.

11 Q Now, in the "Company Objectives," the first
12 bullet point is "Create capital Advancement"; do you
13 see that?

14 A Yes.

15 Q What do you understand "capital Advancement"
16 to mean?

17 A So the "Create capital Advancement" means
18 create demand for our robot itself.

19 Q Creating demand for the robot itself, that
20 would be advantageous for Intuitive; right?

21 A Yes.

22 Q It means that Intuitive could sell more
23 da Vinic platforms; right?

24 A Yes.

25 Q And make money off of the sales of those

1 robots; right?

2 A Yes.

3 Q The next bullet is "Offensive Revenue and
4 Margin Protection"; do you see that?

5 A I do.

6 Q It reads:

7 "Create lower pricing option while
8 maintaining acceptable margins."

9 Do you see that?

10 A Yes.

11 Q What is an acceptable margin?

12 A That's a great question. I mean the
13 definition of the term "acceptable margin," margin are
14 our product margins. Acceptable, the words, you know
15 what the word mean. Exactly what an acceptable margin
16 is to Intuitive is the part where it gets really hard
17 to -- to define.

18 Q Well, based on the cost of goods for a new
19 EndoWrist, is it your understanding that the margin
20 for a new EndoWrist is about 89 percent?

21 A Right, right in that ballpark, yes. That's
22 the contribution margin.

23 Q And is it your understanding based on the
24 cost of the reclaiming and remake- -- withdrawn.

25 Is it your understanding that the reclaim --

1 withdrawn.

2 Is it your understanding that Project Dragon
3 would have EndoWrist margins lower to about
4 84 percent?

5 A I don't know where that number is coming
6 from.

7 Q It's not on this page. I was just wondering
8 if you had a general sense of what the margins were on
9 the refurbished instrument program.

10 A I don't remember.

11 Q Do you have a ballpark sense?

12 A As I was saying earlier, financially, the --
13 the program didn't look like a winner for us, so I
14 don't know what that would mean. I don't remember
15 what the margins were in particular.

16 Q You mentioned financially the program didn't
17 look like a winner for you.

18 That's why it wasn't implemented; right?

19 A Right. We -- as I said, it -- the cost it
20 would take us, the all-in cost it would take us to
21 disassemble, remanufacture instruments, some old, some
22 new parts was about equivalent what it would take us
23 to manufacture instruments with all new parts from
24 scratch because of the work that's required to ship it
25 back and sterilize, clean it, disassemble, et cetera.

1 on patients. Because when it comes to robotic
2 surgery, the trust and quality level to use the
3 platform is paramount. And if you don't have that, it
4 could destabilize the entire platform.

5 So having somebody else adulterate our
6 instruments to some -- at least to us, unknown specs,
7 was and is a concern

8 Q Well, so on this slide the bullet point that
9 includes "3rd party re-programmers," that's titled
10 "Defensive revenue and margin protection"; right?

11 A Yes.

12 Q It's not titled, for example, safety concerns
13 and brand protection; right?

14 A On this slide, it only says "non-validated"
15 which would allude to that, but we have seen it on the
16 other slides and decks.

17 Q Well, sure. But I'm just generally trying to
18 get a sense of the company objectives as they relate
19 to revenue and margin protection.

20 And that's one of the objectives that's
21 listed on this slide is the defensive revenue and
22 margin protection as it relates to third-party
23 re-programmers; right?

24 A On this particular document, it talks about
25 defensive revenue and margin protection, and I can't

1 answer the question in isolation. I mean, if you just
2 took this document as the only thing that we looked at
3 and said, Okay. What does it mean? Right. I would
4 say, Okay. It means making sure our revenue doesn't
5 go down. Doesn't go down to nonvalidated third-party
6 re-programmers.

7 But I have to answer with what our knowledge
8 of what our intent was and what the program was. It
9 was about more access to our platform which we think
10 is a good thing, more access to the platform at our
11 specs which we they think is a good thing, and not
12 having people to use the platform to un-validate specs
13 which we think is a very dangerous thing.

14 Q The second bullet point is:

15 "Reclamation removes product from field
16 increase entry barriers for other 3rd party
17 re-programmers."

18 A I do.

19 Q One of the benefits of the instrument
20 refurbishment program to Intuitive is that program
21 would increase entry barriers for third-party
22 re-programmers?

23 A Yes, for all of the reasons I just talked
24 about.

25 Q And the next bullet point is:

1 "Create more robotic volume for
2 cost-conscious accounts and increase barrier for
3 robotic competition to enter in these accounts."

4 Do you see that?

5 A Yes.

6 Q And when it says "Increase barrier for
7 robotic competition to enter," those would be --
8 withdrawn.

9 When that bullet point says "Increase barrier
10 for robotic competition to enter in these accounts,"
11 that would include potential competitors like
12 Johnson & Johnson; right?

13 A Yes.

14 Q And one of the things that Intuitive wanted
15 to do with their refurbished instrument program was to
16 increase the barrier for robotic competition to enter;
17 right?

18 A Again, it was a lower-level consideration to
19 increase our offering versus our competitors', and we
20 knew that the competitors' primary tactic was going to
21 be lower the cost.

22 Q Now, sir, when you were -- withdrawn.

23 The reason that the Dragon Program --
24 withdrawn.

25 You mentioned that the purpose of the